

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------------------|---|---------------|
| TRUSTEES OF THE CHICAGO PAINTERS |) | |
| AND DECORATORS WELFARE FUND, |) | |
| |) | 10 C 3479 |
| Plaintiff, |) | |
| vs. |) | Judge Kendall |
| |) | |
| JOHN ESPOSITO, Individually and d/b/a |) | |
| SIGN EFFECTS, |) | |
| Defendant. |) | |

PLAINTIFF'S MOTION FOR ORDER OF DEFAULT AND
FOR JUDGMENT IN A SUM CERTAIN

Plaintiff, by and through its attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, GREGORY W. HOSE and ARNOLD AND KADJAN, move this Court to enter an order of default against the Defendant and judgment in favor of Plaintiffs and against the Defendant. In support of their Motion, the Plaintiffs state as follows:

1. The defendant was served with the Summons and Complaint on June 15, 2010.
2. More than twenty days have passed after service of process and the defendant has not served an Answer or any other responsive pleading.
3. The defendant has not moved for an enlargement of time in which to answer or otherwise plead.
4. Defendant has voluntarily produced its records for a fringe benefit fund contribution compliance audit.
5. According to the Affidavit of Howard Simon, attached as Exhibit 1, the defendant owes Plaintiff the amount of \$15,867.61 based on the findings of an audit for the period ending July 31, 2010, consisting of \$10,290.05 for contributions, \$97.60 for ten percent liquidated

damages, \$1,397.11 for fifteen percent liquidated damages, \$1,073.10 for audit costs, and \$3,009.75 for accumulated liquidated damages.

6. Subsequent to the issuance of the audit report, the undersigned were advised that the Defendant has paid the amount of \$976.00 , which is to be subtracted from the total amount which is set forth in Mr. Simon's Affidavit. This reduces the total amount owed to \$14,891.61.

WHEREFORE, Plaintiffs pray for the following relief:

- A. That this Court enter an order of default against the defendant; and
- B. That final judgment be entered in favor of Plaintiff and against the Defendant in the amount of \$14,891.61. (A copy of a proposed order is attached to the end of this Motion as Exhibit 2).

Respectfully submitted,

S/James R. Anderson

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